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# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐Declaration  
Submitted  
With Initial  
Filing

OR

☒Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)Attorney Docket  
Number

47220.7

First Named Inventor

Harvey

COMPLETE IF KNOWN

Application Number

10/509,706

Filing Date

05/16/2003

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

WIND TURBINE WITH HYDRAULIC TRANSMISSION

(Title of the Invention)

the specification of which

☐

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

05/16,2003

as United States Application Number or PCT International

Application Number

PCT/CA03/00717

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.


[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number: <input type="text" value="22828"/>		<b>OR</b> <input type="checkbox"/> Correspondence address below	
Name			
Address			
City		State	ZIP
Country	Telephone	Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Alexander S.		Family Name or Surname HARVEY	
Inventor's Signature 		Date Nov 3/2004	
Residence: City Edmonton	State Alberta	Country CA	Citizenship CA
Mailing Address c/o 17338 - 106A Avenue			
City Edmonton	State Alberta	ZIP T5S 1E6	Country CA
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) David		Family Name or Surname MCCONNELL	
Inventor's Signature		Date	
Residence: City Edmonton	State Alberta	Country CA	Citizenship CA
Mailing Address c/o 17338 - 106A Avenue			
City Edmonton	State Alberta	ZIP T5S 1E6	Country CA
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

Please type a plus sign (+) inside this box → ☐

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it display a valid OMB control number.

## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	
Filing Date	
First Named Inventor	Harvey
Title	Wind Turbine With Hydrostatic Trans-
Group Art Unit	
Examiner Name	
Attorney Docket Number	47220.7

I hereby appoint:

☒ Practitioners at Customer Number

22828

Place Customer  
Number Bar Code  
Label here

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

Place Customer  
Number Bar Code  
Label here

☐ Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name

Alexander S. HARVEY

Signature

*Alex Harvey*

Date

Nov. 3<sup>rd</sup> 2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

Application No.: 10/509,706  
Filing Date: May 16, 2003  
Inventor (first named): Harvey, et al.  
Group Art Unit: N/A  
Examiner Name: Initial Patent Examination Division  
Attorney Docket No.: 47220.7

RECEIVED

18 JAN 2006

Legal Staff  
International Division

MAIL STOP - PETITIONS  
Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

**PETITION FOR FILING WHEN AN INVENTOR  
REFUSES TO SIGN PURSUANT TO 37 C.F.R. 1.47**

Sir:

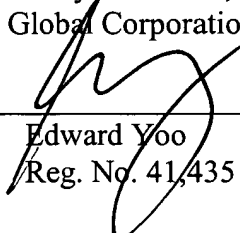
1. Applicant, MLH Global Corporation Inc., ("MLH") the assignee of the inventors, hereby submits this petition to make this application notwithstanding the refusal of one of the inventors to sign the application papers. An assignment has been submitted for recordation and a copy is attached to Mr. Harvey's supporting Statutory Declaration referred to below.
2. Attached is a Statutory Declaration of Mr. Alexander Harvey which personally attests to the fact that one of the inventor, Mr. David McConnell, refuses to sign the application despite being presented with the application papers for his execution and which contains the last known address of Mr. McConnell.
3. MLH must be able to make this application as assignee to preserve its rights in the Invention.

Please address all correspondence to Customer Number 22828

DATED: November 30, 2005.

Respectfully submitted,  
MLH Global Corporation Inc.

By: \_\_\_\_\_

  
Edward Yoo  
Reg. No. 41,435

Attachments:

1. Affidavit of Mr. Alexander Harvey.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 10/509,706  
 Filing Date: May 16, 2003  
 Inventor (first named): Harvey, et al.  
 Group Art Unit: N/A  
 Examiner Name: Initial Patent Examination Division  
 Attorney Docket No.: 47220.7

**AFFIDAVIT UNDER 37 CFR 1.47**

Province of Alberta  
 CANADA

I, ALEXANDER HARVEY, being duly sworn, depose and say as follows:

1. I am the President of MLH Global Corporation Inc. ("MLH"), the assignee of the invention titled Wind Turbine with Hydraulic Transmission (the "Invention"), and as such have personal knowledge of the matters hereinafter deposed to except where stated to be based upon information and belief.
2. I am an inventor of the Invention, as was Mr. David McConnell.
3. We executed an Assignment of Invention on the 13th day of August, 2002 whereby we irrevocably assigned, granted, sold, conveyed and transferred to MLH all of our right, title and interest in and to the Invention, and any and all patents for the Invention, including any patents arising from divisional, continuation or continuance in part applications, which may be granted in the United States or elsewhere. A copy of the Assignment of Invention Agreement is attached to this my Affidavit and marked as Exhibit "A".
4. Mr. Edward Yoo, a Patent Agent with the law firm of Bennett Jones LLP, was retained by MLH to prosecute the Patent Applications in the United States of America and elsewhere.
5. A provisional patent application was filed with the U.S. Patent and Trademark Office on May 16, 2002 and a filing certificate was issued on May 16, 2002 with provisional patent application number.
6. A Patent Application was filed with the Canadian Receiving Office of the Canadian Intellectual Property Office on May 16, 2003 as application number PCT/CA2003/000717, claiming priority of the U.S. Provisional Application No. 60/319,249. A copy of the application papers including a PCT Power of Attorney was forwarded to both Inventors and was signed by MLH Global Corporation Inc, Alexander


S. Harvey and David McConnell. A copy of the PCT Power of Attorney is attached as Exhibit "B".

7. Papers under 35 U.S.C. 371 were filed with the U.S. Patent and Trademark Office on September 30, 2004. A copy of the application papers including a declaration and the patent specification were forwarded to both Inventors and have been subsequently signed by Alexander S. Harvey.
8. Application papers were sent to the home address of Mr. David McConnell at 4103 - 46 Street, Leduc, in the Province of Alberta. Attached to this my Affidavit and marked as Exhibit "B" is a copy of the letter from Mr. Yoo sent by courier to Mr. David McConnell dated June 2, 2005 enclosing the application papers for Mr. McConnell's execution. Neither myself, nor Mr. Yoo has received any reply from Mr. McConnell.
9. It is clear that Mr. David McConnell is refusing to execute the application papers. It is highly unlikely that Mr. McConnell will cooperate with MLH. Mr. McConnell is no longer associated with MLH and has attempted to set up a competing venture. We have not communicated in a long time, and our relationship is now acrimonious.
10. I believe that Mr. McConnell will not execute the application papers because of the acrimonious relationship between us.
11. The last known address of Mr. McConnell is 4103 - 46 Street, Leduc, Alberta, Canada, T9E 4Z2.
12. I swear this Affidavit pursuant to 37 CFR 1.47 (MPEP 409.03(d)) permitting the application by the assignee of the Invention and the Patent Application, MLH.

SWORN BEFORE ME at the City of )  
Edmonton, in the Province of Alberta, this )  
30<sup>th</sup> day of November, 2005. )

A COMMISSIONER FOR OATHS )  
in and for the Province of Alberta )

NOTARY PUBLIC  
EDWARD YOO

  
ALEXANDER S. HARVEY

## ASSIGNMENT OF INVENTION

WE, HARVEY, A.S. and McCONNELL, David whose full postal addresses are c/o 9417 – 27 Avenue, Edmonton, Alberta, T6N 1C6 CANADA (hereinafter referred to as the "Inventors") have made an invention entitled

### WIND TURBINE WITH HYDROSTATIC TRANSMISSION

as set forth and described in a provisional patent application for letters patent of the United States of America having the serial number 60/319,249 and filing date of May 16, 2002 (the "Invention").

In consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration, the receipt of which is hereby acknowledged, we hereby irrevocably assign, grant, sell, convey, transfer and make over unto:

INC. - DM  
MLH GLOBAL CORPORATION LTD.  
9417 – 27 Avenue  
Edmonton, Alberta T6N 1C9  
CANADA

our entire right, title and interest in and to the Invention and any and all patents for the Invention which may be granted in the United States or elsewhere. We hereby authorize the issuance of any such patents to said assignee.

DM  
This Assignment shall enure to the benefit of and be binding upon the Inventors and MLH GLOBAL CORPORATION LTD. INC. and their respective heirs, executors, administrators, successors and assigns.

THIS IS EXHIBIT "A" referred to in the Affidavit / Declaration of

ALEXANDER HARVEY  
Sworn / Declared before me this 30 day  
of NOVEMBER A.D. 2005

A Commissioner for Oaths in and  
for the Province of Alberta  
A Notary Public



IN WITNESS WHEREOF the Inventors have caused this Assignment to be executed  
this 13<sup>th</sup> day of AUGUST, 2002.

Signed, Sealed and Delivered  
in the presence of:

Tanya Engel  
Witness

TANYA ENGEL  
Name

9417-27 AVENUE.  
Address

A.S. Harvey  
A.S. HARVEY

Signed, Sealed and Delivered  
in the presence of:

Valerie Stewart  
Witness

Valerie Stewart  
Name #211, 10139-117 St.

Edmonton, AB  
Address

DAVID McCONNELL  
DAVID McCONNELL

## PCT POWER OF ATTORNEY

Printed on 16.05.2003 08:56:11 AM

47220.3

0-1	PCT Power of Attorney (for an international application filed under the Patent Cooperation Treaty) (PCT Rule 90.4)	
0-1-1	Prepared using	PCT-EASY Version 2.92 (updated 01.04.2003)
1	The undersigned applicant(s)	MLH GLOBAL CORPORATION INC.; HARVEY, Alexander, S.; MCCONNELL, David
1-1-1	hereby appoints (appoint) the following person	BENNETT JONES LLP 1000 ATCO Centre 10035 - 105 Street Edmonton, Alberta T5J 3T2 Canada
1-2	as	agent
1-3	to represent the undersigned before	all the competent International Authorities
1-4	in connection with the international application identified below:	
1-4-1	Title of the invention	WIND TURBINE WITH HYDROSTATIC TRANSMISSION
1-4-2	Applicant's or agent's file reference	47220.3
1-4-3	International application number (if already available)	
1-4-4	filed with the following Office as receiving Office	Canadian Patent Office (RO/CA)
1-5	and to make or receive payments on behalf of the undersigned.	
2-1	Signature of applicant	
2-1-1	Name	MLH GLOBAL CORPORATION INC.
2-1-2	Name of signatory	Name: <u>A. S. Harvey</u>
2-1-3	Capacity	Office: <u>President</u>
2-2	Signature of applicant	<u>A. S. Harvey</u>
2-2-1	Name	HARVEY, Alexander, S.
2-3	Signature of applicant	<u>D. McConnell</u>
		MCCONNELL, David
		16 May 2003 (16.05.2003)

THIS IS EXHIBIT "B" referred to in the  
Affidavit/Declaration of

ALEXANDER HARVEY

Sworn / Declared before me this 30 day  
of November A.D. 2005

A Commissioner for Oaths in and  
for the Province of Alberta  
A Notary Public

Edward (Ted) Yoo  
Direct Line: 780.917.5231  
e-mail: yoot@bennettjones.ca  
Our File No.: 47220.7

June 2, 2005

Mr. David McConnell  
4103 - 46 Street  
Leduc, Alberta  
T9E 4Z2

VIA COURIER

Dear Mr. McConnell:

**Re: Inventor's Oath and Declaration for U.S. Patent Application 10/509,706**

Enclosed please find application papers (specification including claims, drawings and inventor's oath) for U.S. Patent Application 10/509,706 entitled WIND TURBINE WITH HYDRAULIC TRANSMISSION. Also enclosed is a copy of the assignment to MLH Global Corporation you signed on August 13, 2002.

Please review the specification and then sign and return the inventor's oath and declaration.

We respectfully request that you provide a written refusal in the event that you will not be returning a signed inventor's oath.

Yours truly,

**BENNETT JONES LLP**

Edward (Ted) Yoo

ETY/el  
Encs.

THIS IS EXHIBIT "B" referred to in the  
Affidavit / Declaration of

ALEXANDER HARVEY

Sworn / Declared before me this 30 day

of November AD 2005

  
A Commissioner for Oaths in and  
for the Province of Alberta  
A Notary Public

**I am not willing to sign the inventor's oath and declaration**

\_\_\_\_\_  
**DAVID MCCONNELL**

\_\_\_\_\_  
**Date**

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**Declaration  
Submitted  
With Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)Attorney Docket  
Number

47220.7

First Named Inventor

Harvey

**COMPLETE IF KNOWN**

Application Number

10/509,706

Filing Date

05/16/2003

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**WIND TURBINE WITH HYDRAULIC TRANSMISSION**

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

05/16/2003

as United States Application Number or PCT International

Application Number

PCT/CA03/00717

and was amended on (MM/DD/YYYY)

(if applicable).

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Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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[Page 1 of 2]

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Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:**☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any])

Alexander S.

Family Name

or Surname

HARVEY

Inventor's  
Signature

Date

Nov 3/2004

Residence: City  
EdmontonState  
AlbertaCountry  
CACitizenship  
CA

Mailing Address

c/o 17338 - 106A Avenue

City  
EdmontonState  
AlbertaZIP  
T5S 1E6Country  
CA**NAME OF SECOND INVENTOR:**☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle [if any])

David

Family Name

or Surname

MCCONNELL

Inventor's  
Signature

Date

Residence: City  
EdmontonState  
AlbertaCountry  
CACitizenship  
CA

Mailing Address

c/o 17338 - 106A Avenue

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T5S 1E6Country  
CA☐ Additional inventors or a legal representative are being named on the \_\_\_\_\_ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

Please type a plus sign (+) inside this box → ☐

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application Number	10/509,706
Filing Date	May 16, 2003
First Named Inventor	Harvey
Title	Wind Turbine With Hydrostatic Trans-
Group Art Unit	
Examiner Name	
Attorney Docket Number	47220.7

I hereby appoint:

☒ Practitioners at Customer Number

22828

Place Customer  
Number Bar Code  
Label here

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

Place Customer  
Number Bar Code  
Label here

☐ Firm or  
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

Name

David MCCONNELL

Signature

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. OR COMPLETED FORMS TO

## ASSIGNMENT OF INVENTION

WE, HARVEY, A.S. and McCONNELL, David whose full postal addresses are c/o 9417 - 27 Avenue, Edmonton, Alberta, T6N 1C6 CANADA (hereinafter referred to as the "Inventors") have made an invention entitled

### WIND TURBINE WITH HYDROSTATIC TRANSMISSION

as set forth and described in a provisional patent application for letters patent of the United States of America having the serial number 60/319,249 and filing date of May 16, 2002 (the "Invention").

In consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration, the receipt of which is hereby acknowledged, we hereby irrevocably assign, grant, sell, convey, transfer and make over unto:

*- INC. - DM*  
**MLH GLOBAL CORPORATION LTD.**  
9417 - 27 Avenue  
Edmonton, Alberta T6N 1C9  
CANADA  
*[Signature]*

our entire right, title and interest in and to the Invention and any and all patents for the Invention which may be granted in the United States or elsewhere. We hereby authorize the issuance of any such patents to said assignee.

*DM [Signature]*  
This Assignment shall enure to the benefit of and be binding upon the Inventors and *- INC. -* **MLH GLOBAL CORPORATION LTD.** and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Inventors have caused this Assignment to be executed  
this 13<sup>th</sup> day of AUGUST, 2002.

Signed, Sealed and Delivered  
in the presence of:

Tanya Engel  
Witness

TANYA ENGEL  
Name

9417-27 AVENUE.  
Address

A.S. Harvey  
A.S. HARVEY

Signed, Sealed and Delivered  
in the presence of:

Valerie Stewart  
Witness

Valerie Stewart  
Name #211, 10139-117 St.  
Edmonton, AB  
Address

David McConnell  
DAVID McCONNELL



**DATED:** \_\_\_\_\_, 2005

---

**IN THE UNITED STATES PATENT &  
TRADEMARK OFFICE**

Application No.: 10/509,706  
Filing Date: May 16, 2003  
Inventor (first named): Alexander S. Harvey et al.  
Group Art Unit: N/A  
Examiner Name: Initial Patent Examination  
Division  
Attorney Docket No.: 47220.7

---

**A F F I D A V I T**

---

**BENNETT JONES LLP**  
Barristers and Solicitors  
#1000, 10035 - 105 Street  
Edmonton, Alberta  
T5J 3T2

File: 47220.7